# (19) World Intellectual Property Organization International Bureau





## (43) International Publication Date 13 March 2003 (13.03.2003)

#### **PCT**

# (10) International Publication Number WO 03/020139 A3

(51) International Patent Classification<sup>7</sup>: A61B 17/28, 19/00

(21) International Application Number: PCT/NL02/00574

(22) International Filing Date:

3 September 2002 (03.09.2002)

(25) Filing Language:

Dutch

(26) Publication Language:

English

(30) Priority Data:

1018874

3 September 2001 (03.09.2001) NI

- (71) Applicants and
- (72) Inventors: VLEUGELS, Michel, Petronella, Hubertus [NL/NL]; Kastanjelaan 36, NL-6581 PX Malden (NL). LAZEROMS, Markus, Cornelis, Jacobus [BE/BE]; Lafelterweg 2, B-3770 Riemst-Vroenhoven (BE).

- (81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

#### Published:

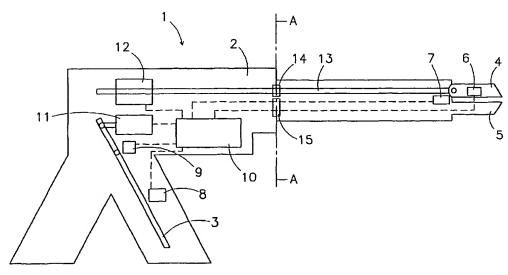
with international search report

(74) Agent: BROOKHUIS, H., J., A.; Exter Polak & Charlouis B.V., P.O. 3241, NL-2280 GE Rijswijk (NL).

(88) Date of publication of the international search report: 7 August 2003

[Continued on next page]

(54) Title: SURGICAL INSTRUMENT



(57) Abstract: The invention relates to an instrument for surgery, in particular minimally invasive surgery. The instrument comprises means for feeding back a force which is exerted on the working element of the instrument to the operating element. These means comprise at least a first force sensor for measuring the force which is exerted on the working element, a control unit and a first actuator. On the basis of a signal which originates from the first force sensor, the control unit controls at least the first actuator in order to control the operating element. Furthermore, the means preferably comprise a first position sensor for measuring a position of the working element with respect to the frame. The control unit advantageously determines an impedance which the working element is subject to as a result of the presence of a tissue or the like, on the basis of which impedance the control unit controls at least the first actuator.





For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

PCT/NL 02/00574

			101/NE 02/003/4		
A. CLASSI IPC 7	FICATION OF SUBJECT MATTER A61B17/28 A61B19/00				
According to	o International Patent Classification (IPC) or to both national classif	ication and IPC			
B. FIELDS	SEARCHED				
Minimum do	ocumentation searched (classification system followed by classification $A61B$	ation symbols)			
	tion searched other than minimum documentation to the extent that				
Electronic d	ata base consulted during the international search (name of data b	pase and, where practical, so	carch terms used)		
EPO-In	ternal				
C. DOCUM	ENTS CONSIDERED TO BE RELEVANT				
Category *	Citation of document, with indication, where appropriate, of the r	elevant passages	Relevant to claim No.		
Х	US 5 609 607 A (HECHTENBERG KUR ET AL) 11 March 1997 (1997-03-1 column 2, line 47 -column 3, li abstract; claim 1; figure 1	1-17			
X	WO 00 51486 A (COMPUTER MOTION 8 September 2000 (2000-09-08) page 11, paragraph 2 page 18, paragraph 4 -page 20, page 36, line 29 -page 38, line 7,8	paragraph 1	1-17		
Х	US 5 389 849 A (ASANO TAKEO ET	AL)	16,17		
A	14 February 1995 (1995-02-14) column 6, line 65 -column 7, li column 12, line 8 - line 16; fi	ne 59 gure 1	3		
		-/			
X Furt	her documents are listed in the continuation of box C.	X Patent family me	embers are listed in annex.		
<ul> <li>"A" document defining the general state of the art which is not considered to be of particular relevance</li> <li>"E" earlier document but published on or after the international filing date</li> <li>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</li> <li>"O" document referring to an oral disclosure, use, exhibition or other means</li> </ul>		or priority date and cited to understand invention  "X" document of particula cannot be considerer involve an inventive document of particula cannot be considered document is combir ments, such combir in the art.  "&" document member of	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.  "&" document member of the same patent tamily		
Date of the	actual completion of the international search		e international search report		
1	9 December 2002		11 03. 2003		
Name and r	mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl.	Authorized officer  MOERS, I	R		

Inc.. Application No PCT/NL 02/00574

		PCT/NL 02/00574
	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Α	EP 1 125 557 A (HITACHI LTD) 22 August 2001 (2001-08-22) abstract page 13, line 30 - line 35; figures 1,2	16,17
A	WO 98 51451 A (VIRTUAL TECHNOLOGIES INC) 19 November 1998 (1998-11-19) page 16, line 20 -page 17, line 12; figure 1	3,16,17
<b>A</b>	US 5 965 880 A (WOLF RAINER ET AL) 12 October 1999 (1999-10-12) abstract; claims 1,4; figure 2	8-10

itional application No. PCT/NL 02/00574

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)
This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:
Claims Nos.:     because they relate to subject matter not required to be searched by this Authority, namely:
Claims Nos.:     because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).
Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)
This International Searching Authority found multiple inventions in this international application, as follows:
see additional sheet
1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:  1-17
Remark on Protest  The additional search fees were accompanied by the applicant's protest.  No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISAV 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-17

Surgical instrument

2. Claims: 18, 19

Force or position sensor

Intr I Application No
PCI/INL 02/00574

Patent document cited in search report	Publication date		Patent family member(s)	Publication date
US 5609607	A 11-03-1997	DE	4332580 A1	30-03-1995
WO 0051486	A 08-09-2000	US AU CA EP JP WO US	6436107 B1 3613300 A 2330674 A1 1076507 A1 2002537884 A 0051486 A1 6132441 A	20-08-2002 21-09-2000 08-09-2000 21-02-2001 12-11-2002 08-09-2000 17-10-2000
US 5389849	A 14-02-1995	JP JP	6210581 A 6261738 A	02-08-1994 20-09-1994
EP 1125557	A 22-08-2001	JP EP DE EP US	8215211 A 1125557 A2 69623674 D1 0732082 A2 5855553 A	27-08-1996 22-08-2001 24-10-2002 18-09-1996 05-01-1999
WO 9851451	A 19-11-1998	AU EP US WO US US	7482298 A 0981423 A2 6042555 A 9851451 A2 6413229 B1 6110130 A	08-12-1998 01-03-2000 28-03-2000 19-11-1998 02-07-2002 29-08-2000
US 5965880	A 12-10-1999	DE DE WO EP	19527957 C1 59607423 D1 9705461 A1 0842405 A1	22-08-1996 06-09-2001 13-02-1997 20-05-1998

THIS PHOE BLAINING (USP.C)